

LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

1633 BROADWAY  
NEW YORK, NY 10019-6708

TEL (212) 489-8230  
FAX (212) 489-8340  
www.dwt.com

January 31, 2008

BY FAX: (212) 805-6326

# MEMO ENDORSED

Hon. Colleen McMahon  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 640  
New York, New York 10007-1312

Re: Diaz, et al. v. NBC Universal, Inc., Civ. Case No. 08-CV-00401 (CM)

Dear Judge McMahon:

We write as counsel for NBC Universal, Inc., defendant in the above-referenced action, to ask permission to file two exhibits in hard copy in connection with defendant's opposition to plaintiffs' application for injunctive relief and cross-motion to dismiss plaintiffs' complaint, which will be filed with the Court tomorrow.

The exhibits that defendant seeks to file in hard copy are: (1) a time-coded DVD of the feature film "American Gangster" ("the Film"), and (2) an excerpted DVD that contains the statement at issue and relevant portions of the Film. The Complaint arises from the Film, and the DVDs cannot be filed through the ECF system.

We attach a proposed order for Your Honor's convenience, and we thank the Court for its prompt consideration of this request.

Respectfully yours,

  
Robert D. Balin

Enclosure

cc: Dominic F. Amorosa (Via E-Mail)  
lawoffices@dfamorosa.com

Carey & Associates LLC (Via E-Mail)  
mqc@CareyLitigation.com

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/1/08